

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Request for Investigation of FM )  
Allotment Rule Making Petitions )  
and Adoption of Policy Regarding )  
Qualifications To File Multiple )  
Applications )

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Policy and Rules Division  
Mass Media Bureau

**PETITION FOR INVESTIGATION AND ADOPTION OF POLICY STATEMENT**

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**INTRODUCTION AND SUMMARY**

1. Saranac Lake Radio, L.L.C. hereby requests that the Commission investigate the practice of parties filing massive numbers of petitions for rule making to modify the FM Table of Allotments and that the Commission **suspend any further action on such petitions pending**

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adoption of a policy governing their treatment.<sup>1</sup> There is a need for immediate action because the present policy of refusing to make any examination of the qualifications of a petitioner, or even to require identification of the petitioner's principals, is irrationally inconsistent with the Commission's well-established policy of requiring a commitment to file an application for construction permit before a requested channel will be allotted.

2. It appears that a practice is developing of scattershot filing of rule making petitions to allot literally dozens of new FM channels, without any realistic evidence that the petitioners can construct and operate stations on all, or even a substantial number, of the channels they are requesting. Rather, it is more likely that the petitioners hope to obtain construction permits for some stations in future competitive bidding proceedings, the number of stations depending on what kind of financing it may be possible to obtain when the petitioner shops the market for money later on.

3. The Commission has recognized that the purposes of Section 307(b) of the Communications Act are not well served when channels are allotted without a reasonable prospect that they will be utilized promptly. That is why a rule making petition to allot a new channel will not be granted unless a *bona fide* interest is expressed in filing an application and constructing a station. When the number of petitions becomes very large, however, the Commission must do more than accept a simple statement of interest but rather must take at least rudimentary steps to determine the *bona fides* of the commitment. Under the present processing

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<sup>1</sup> Saranac is the licensee of Stations WNBZ(AM) and WSLK(FM), Saranac Lake, New York. A petition for rule making has been filed to allot a new FM channel to Saranac Lake. The petitioner is a mass filer who has not demonstrated any ability to file and prosecute applications for all the channels he has requested.

policy, which in essence is to bury the Commission's head in the sand at the allotment process, there is no way that the Commission can determine *bona fides*, fulfill its responsibility to provide for a fair and equitable distribution of channels, and avoid the waste of administrative resources that occurs when the allotment process results in a channel that is not used.

4. Remedial action by the Commission is necessary before mass filings get completely out of hand. The time to address a problem is when it is still small enough to be controlled, not after it is too late to act effectively. Therefore, the Commission should suspend action on petitions for rule making by anyone who has filed more than five such petitions pending the adoption of a rational policy that is suitable for the upcoming competitive bidding environment.

#### BACKGROUND

5. Two prime examples of mass petition filers are Victor A. Michael, Jr. and Dana Puopolo. Lists of the petitions they have filed are appended hereto as Exhibits A and B respectively.<sup>2</sup> While these filings may not contravene any existing rule or policy, they in practice border on an abuse of the agency's processes if it turns out that either of these two individuals does not have sufficient resources to build all of the stations each has requested, thereby calling into question the *bona fides* of their expressions of interest.<sup>3</sup>

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<sup>2</sup> Mr. Puopolo has petitioned for a new allotment in Saranac Lake, New York (MM Docket No. 99-83), although he has no known ties with that community. The petitions listed in the Exhibits are only those for which the Commission has issued a Notice of Proposed Rule Making. Presumably many more are pending, awaiting processing.

<sup>3</sup> Indeed, as discussed below, if the petitioners' expressions of interest are no more than expressions of an intent to shop for financing to participate in auctions, they appear abusive and may merit sanctions.

6. Mr. Michael, individually and using the names Vixon Valley Broadcasting, Mountain Tower Broadcasting, Mountain West Broadcasting, Windy Valley Broadcasting, West Wind Broadcasting, and Magic City Media, Inc., has petitioned to allot at least 100 additional FM channels to various communities all over the country. (See Exhibit A). Mr. Puopolo, individually, has petitioned the Commission to allot at least 11 new channels to various communities around the country (See Exhibit B). While each petition presumably contains the required expression of interest, or else the Commission would not have issued a Notice of Proposed Rule Making, these expressions of interest cannot reasonably be accepted by the Commission as *bona fide* without even *prima facie* evidence that either of these persons has the resources to construct and operate so many stations. The Commission must inquire further and require a showing of present, existing resources before going further.

#### DISCUSSION

##### The Commission's Policy of Accepting Unrealistic Expressions of Interest Without Question Is Inconsistent with the Fundamental Principle that a Petitioner Be Able To Apply for and Construct a Proposed Station.

7. The Commission cannot rationally assert that it will allot a channel only if a petitioner is able to file for and build a proposed station and then proceed to accept the unsupported expressions of interest filed by Mr. Michael and Mr. Puopolo. Rather, the Commission must review purported expressions of interest at least for mass petitioners, if not for all petitioners. The public interest is not served when the Commission wastes valuable time and resources on petitions for allotments that may never be utilized. The public interest will be served only if, at least in instances where a petitioner has requested numerous allotments, the Commission

investigates whether a purported expression of interest is in fact *bona fide* and properly supported before it approves a channel allotment.

8. The policy of not allotting channels where there is no reasonable prospect of their use is well-established. For example, the Commission will dismiss an allotment proposal if no workable transmitter site exists.<sup>4</sup> While the Commission postpones character qualification inquiries until the application stage,<sup>5</sup> that policy is different from what this petition is raising, which is that the Commission must take at least some steps to inquire into the substance of a commitment the nature of which is a basic premise of the allotment process, particularly when the same commitment is made over and over again with no support.<sup>6</sup>

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<sup>4</sup> See note 8, *supra*. See also, *Crestview and Westbay, Florida*, 7 FCC Rcd 3059 (Alloc. Branch, 1992) (FCC denied petition for allocation because it believed it was unable to find a fully spaced transmitter site that was not on a military base), *recon. granted*, 8 FCC Rcd 347 (Pol. Rules Div., 1992) (allotment was made upon a showing that a site was available). See also, *Elkins, West Virginia, Mountain Lake Park and Westernport, Maryland*, 6 FCC Rcd 5830 (Alloc. Branch, 1991) (counterproposal denied because petitioner failed to show an available transmitter site) [subsequent history omitted], *citing, Creswell, Oregon*, 3 FCC Rcd 4608 (1988), *recon. denied*, 4 FCC Rcd 7040 (1989) (an allotment will not be made in the absence of a reasonable assurance that a suitable site area exists from which the station could operate in accordance with the Commission's Rules).

<sup>5</sup> See, *Tylertown, Mississippi*, MM Docket No. 97-45 (Pol. and Rules Div., 1999) (the allotment rulemaking proceeding is not the appropriate forum to resolve allegations of misconduct, rather such issues should be raised in a petition to deny a particular application). That case is not controlling here, because the problem here is more of a general policy issue than one of individual misconduct, the issue of individual misconduct not being resolvable until the Commission obtains the information necessary to evaluate the commitment of the mass filers. See also, *Monterey, Tennessee and Monticello, Kentucky*, 7 FCC Rcd. 1606 (1992).

<sup>6</sup> It is not clear that the policy of postponing all character inquiries until the application stage is appropriate either. For example, if the only party expressing an interest in applying for a channel were an alien, clearly disqualified under Section 310 of the Communications Act, it would be wasteful for the Commission to make the allotment.

9. There are many examples of cases where the Commission has wasted resources in making allotments, only to have to expend further resources later on to withdraw an allotment when it remains fallow and becomes a barrier to upgrading an existing facility or blocks the allotment of another channel.<sup>7</sup> It is not rational for the Commission to put itself in a position of having to initiate another proceeding to delete the channel when with a small effort, it could have determined from the beginning whether a commitment to file and construct was reasonably realistic.

10. Spectrum is a scarce commodity, and every effort must be taken to ensure its efficient use. Therefore, the Commission must stop allotting new channels to petitioners who file numerous petitions without a substantive showing of the *bona fides* of their commitments to file applications and construct stations.

The Commission Has Changed Its Policies in the Past To Respond to Changed Circumstances.

11. The Commission has modified or clarified policies in the past to respond to changed circumstances, and it should do so again now. For example, in 1990, in the face of a finding of significant potential for abuse of the allotment process, the Commission emphasized the

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<sup>7</sup> See, *Galliano and Buras Triumph, Louisiana*, 8 FCC Rcd 4186 (Alloc. Branch, 1993) (Vacant Channel 231A at Buras Triumph deleted when no comments supporting retaining the vacant channel were received. The deletion accommodated Station KLEB-FM's upgrade at Galliano). See also, *Canton, Illinois and Canton, Missouri*, 11 FCC Rcd 2937 (Alloc. Branch, 1996) (Comment sought on petition to delete Channel 265A at Canton, Illinois, to accommodate channel upgrade at Canton, Missouri. Channel 265A was allotted to Canton, Illinois as of February 1, 1982. However, no one filed an application for the channel during the filing window and the channel has remained vacant for fourteen years); *East Wenatchee, Ephrata and Chelan, Washington*, 8 FCC Rcd 5193 (Alloc. Branch, 1993) (no expression of interest was filed for vacant Channel 230C2 at Ephrata, therefore, in order to accommodate petitioner's proposal, the FCC proposed the deletion of vacant Channel 230C2 at Ephrata); *Cheyenne and Saratoga, Wyoming*, 10 FCC Rcd 6722 (Alloc. Branch, 1995);.

importance of a *bona fide* commitment to construct and operate by limiting the consideration that could be paid for a withdrawal of an expression of interest, thereby making it clear that expressions of interest that disappear when money is offered are not truly *bona fide*.<sup>8</sup> The intent was to prevent disingenuous filings which are an abuse of process, and particularly to prevent disingenuous filings that delay or obstruct legitimate proposals. The Commission stated that the

deterrence of non-*bona fide* proposals in allotment proceedings is especially important given the fact that delay in one allotment proceeding may affect pending proposals in numerous surrounding communities. Thus, delay in one contested proceeding often delays a number of related allotment proceedings. In addition, delay in allotment proceedings may delay resolution of related application proceedings.<sup>9</sup>

12. The Commission further clarified that expressions of interest have the status of representations to the Commission. Thus a statement of interest in operating a station by a party, who in fact lacks the requisite intent to construct and operate the proposed facility will be considered a material misrepresentation within the meaning of Section 73.1015 of the Rules and will be subject to prosecution pursuant to Section 502 of the Communications Act, as amended, forfeiture pursuant to Section 503 of the Act and other appropriate administrative sanctions.<sup>10</sup> The Commission believed that "imposing settlement limitations and sanctioning

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<sup>8</sup> *Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes*, 5 FCC Rcd 3911 (1990) ("*Abuse Report and Order*"), *recon. denied*, 6 FCC Rcd 3380 (1991).

<sup>9</sup> *Id.*

<sup>10</sup> *Abuse Report and Order* at ¶29.

parties who file without the intent to construct and operate will deter the filing of disingenuous proposals and aid the expeditious resolution of allotment and related cases.”<sup>11</sup>

13. Another example of Commission intervention to prevent abuses occurred in 1996, when the Commission deleted a portion of Section 1.420(f) of its Rules to eliminate the automatic stay of an action modifying an authorization to specify operation on a different FM or TV Channel, to “remove an incentive for the filing of petitions for reconsideration that are largely without merit, thereby expediting the provision of expanded service to the public and conserving Commission resources now expended processing these meritless petitions.”<sup>12</sup>

14. Similarly, the Commission intervened to halt disingenuous petitions when it amended its rules to permit FM stations to upgrade to higher a class, move to an adjacent channel, or to downgrade to a lower class simply by filing an application rather than a petition for rule making to change the FM Table of Allotments.<sup>13</sup> That action eliminated a way for existing stations to stall a competitor’s upgrade. The former practice invited comments and counter proposals from third parties, including the filing of requests for other channel usages that would conflict with the proposed channel. If counterproposals were filed, even if disingenuous, substantial delay would inevitably occur. The Commission recognized that its Rules duplicated work, fostered delay and increased expense. Therefore, it modified its Rules to eliminate the rule

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<sup>11</sup> *Id.* at ¶31.

<sup>12</sup> *Amendment of Section 1.420(f) of the Commission’s Rules Concerning Automatic Stays of Certain Allotment Orders*, 11 FCC Rcd. 9501 at ¶1 (1996).

<sup>13</sup> *Conflicts Between Applications and Petitions for Rule Making to Amend the FM Table of Allotments*, 7 FCC Rcd. 4917 (1992), *recon. granted in part*, 8 FCC Rcd 4743 (1993).



making phase of the process, allowing FM broadcasters to proceed directly to the application stage by filing a one step application.

15. Just as the Commission has found it necessary in the past to modify or clarify its Rules and policies to dissuade parties from meritless petitions for rule making and petitions for reconsideration, it must once again intervene now to eliminate an area of potential, if not actual, abuse.

There is a Real Need To Intervene Again To Establish Clear Policy.

16. The upcoming competitive bidding environment makes it imperative that the Commission take action now, in addition to the overall importance of preserving the integrity of the agency's processes and properly fulfilling the purposes of Section 307(b) of the Communications Act. Competitive bidding environment introduces a new dynamic into the application process. Because a potential applicant cannot tell against whom it will have to compete or how high the bids will go, it is no longer as easy to plan the process of filing and prosecuting applications as it was prior to competitive bidding. Therefore, it makes sense to speculate by filing scattershot allotment petitions in the hope of finding at least some channels for which there will be no substantial competition. That practice should be strongly discouraged as a waste of agency resources.

17. There is an additional, and highly significant, reason for the Commission not to accept an unsupported commitment to file an application. The competitive bidding rules require substantial upfront payments at the time of application filing. Without this payment, an applicant will not be able to participate in an auction. Therefore, if a party files dozens of rule making petitions, its expressions of "interest" must be translated into representations of having adequate

financial resources to make dozens of upfront payments, as well as to build dozens of stations. Not just a modest filing fee is at stake any more. It is therefore completely unrealistic for the Commission to close its eyes and not require any showing of resources when an unsupported commitment is repeated over and over again.

### CONCLUSION

18. “[T]he requirement of an expression of interest is reasonable and necessary to the efficient conduct of the agency’s business, and the Commission has good reason to preserve the integrity of its processes by requiring adherence.”<sup>14</sup> Thus in light of the evidence of mass filing of rule making petitions and the need for financial resources sufficient to make the upfront payments that will be required to support the *bona fides* of a commitment to file and prosecute an application in a competitive bidding environment, it is clear that the Commission must support its policy of allotting channels only when there is an actual intent to file an application and when the construction of the proposed station is possible. The Commission should do so by requiring a special showing of financial and technical capability from petitioners who file more than five allotment petitions and by taking actions against filers who cannot or do not make such a showing.<sup>15</sup>

19. If mass petitioners such as Mr. Michael and Mr. Puopolo show that they are willing and able to construct and operate a station on each and every one of the allotments they have

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<sup>14</sup> *Santa Isabel, Puerto Rico and Christiansted, Virgin Islands*, 3 FCC Rcd 2336, 2337 (1988).

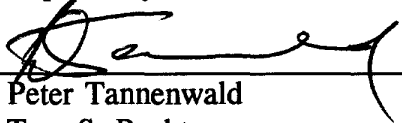
<sup>15</sup> Although the Commission has stated that if it determines that a petitioner develops a pattern of filing petitions for new allotments without following through with an application, it could institute an investigation, it is not evident that the Commission has ever actually instituted such an investigation. *Abuse Report and Order* at ¶ 30.

proposed, the channel allotments should be made if otherwise found to be in the public interest. However, based on the number of petitions each that have been and are being filed, and the fact that the Commission has recognized and acted to curtail abuses in the past, the Commission cannot reasonably blindly accept repeated expressions of interest and yet continue to assert that it will only allot channels where the parties have a *bona fide* intent to construct and operate stations. Thus the Commission must not allot additional channels at the behest of mass filers without further inquiry and must suspend processing of petitions by mass filers until further evidence of *bona fides* has been presented.

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May 10, 1999

Respectfully submitted,

  
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Counsel for Saranac Lake Radio, L.L.C.

**Exhibit A**  
**Saranac Lake Radio, L.L.C.**  
**Petition for Investigation and**  
**Adoption of Policy Statement**

**Petitions for Allotments Filed Directly and Indirectly by Victor A. Michael**

**Mr. Michael, individually, petitioned for the following new channels:**

Riverside, Pennsylvania (Channel 222A) (MM Docket No. 88-68);  
Petersburg, Pennsylvania (CH 300A) (MM Docket No. 89-51);  
Endwell, New York (CH 298A) (MM Docket No. 97-590);  
Wellington, Colorado (CH 232C3) (MM Docket No. 96-51);  
Bear Creek, Pennsylvania (CH 290A) (MM Docket No. 96-151);  
Newberry, Pennsylvania (Channel 300B1) (RM 5374).

**Vixon Valley Broadcasting petitioned for the following new channels:**

Glenrock, Wyoming (CH 252A) (MM Docket No. 96-227);  
Forest City, Pennsylvania (CH 261A) (MM Docket No. 96-235);  
Glendo, Wyoming (CH 261A) (MM Docket No. 97-23);  
Alberton, Montana (CH 284A) (MM Docket No. 97-51);  
Hope, North Dakota (CH 284A) (MM Docket No. 97-57);  
Randolph, Utah (CH 272A) (MM Docket No. 97-58);  
Driggs, Idaho (CH 271A) (MM Docket No. 97-39);  
Hayfield, Virginia (CH 263A) (MM Docket No. 97-68);  
Blue Lake, California (CH 292A) (MM Docket No. 97-124);  
Windsor, New York (CH294A)(MM Docket No. 96-218).

**Windy Valley Broadcasting petitioned for the following new channels:**

Midwest, Wyoming (CH 300A) (MM Docket No. 97-24);  
Colstrip, Montana (CH 229A) (MM Docket No. 97-74);  
Murdo, South Dakota (CH 285A) (MM Docket No. 97-191);  
Upton, Wyoming (CH 290C1) (MM Docket No. 99-57);  
Broadview, Montana (CH 290C3) (MM Docket No. 99-79);  
Levan, Utah (CH 268A)(MM Docket No. 96-230).

West Wind Broadcasting petitioned for the following new channels:

Weston, Idaho (CH 246A) (MM Docket No. 97-38);  
Victor, Idaho (CH 222A) (MM Docket No. 97-37);  
Victor, Montana (CH 289A) (MM Docket No. 97-119);  
Presho, South Dakota (CH 262A) (MM Docket No. 97-175);  
Roscoe, South Dakota (CH 287A) (MM Docket No. 97-176);  
Patterson, Iowa (CH 290A) (MM Docket No. 97-187);  
Liberty, Pennsylvania (CH 298A) (MM Docket No. 99-52);  
Clarendon, Pennsylvania (CH 274A) (MM Docket No. 99-53);  
Ridgeley, West Virginia (CH 263A) (MM Docket No. 99-54);  
Strattanville, Pennsylvania (CH 267A) (MM Docket No. 99-58);  
Midland, Maryland (CH 258A) (MM Docket No. 99-801).

Mountain West Broadcasting petitioned for the following new channels:

Thayne, Wyoming (CH 294C1) (MM Docket No. 99-55);  
Joliet, Montana (CH 259C3) (MM Docket No. 99-12);  
Neihart, Montana (CH 246C2) (MM Docket No. 99-15);  
Columbia Falls, Montana (CH 276C3) (MM Docket No. 99-14);  
New Castle, Colorado (CH 233A) (MM Docket No. 99-27);  
Olathe, Colorado (CH 270C2) (MM Docket No. 99-28);  
Walden, Colorado (CH 231C2) (MM Docket No. 99-29);  
Aberdeen, Idaho (CH 258C2) (MM Docket No. 99-30);  
Palisade, Colorado (CH 295C3) (MM Docket No. 99-31);  
Rye, Colorado (CH 285A) (MM Docket No. 99-32);  
Big Piney, Wyoming (CH 259C1) (MM Docket No. 99-56);  
Fairfield, Montana (Channel 279C2) (MM Docket No. 99-59);  
Fort Benton, Montana (CH 239C3) (MM Docket No. 99-60);  
Polson, Montana (CH 259C3) (MM Docket No. 99-61);  
Carbondale, Colorado (CH 244A) (MM Docket No. 99-48);  
El Jebel, Colorado (CH 263A) (MM Docket No. 99-49);  
Allen, Nebraska (CH 265A) (MM Docket No. 99-82);  
Overton, Nevada (CH 295C1) (MM Docket No. 99-85);  
Fruitland, New Mexico (CH 300A) (MM Docket No. 99-86);  
Wells, Nevada (CH 280C1) (MM Docket No. 99-88);  
Caliente, Nevada (CH 233C1) (MM Docket No. 99-89);  
Socoro, New Mexico (CH 271C2) (MM Docket No. 99-90);

Mountain West Broadcasting petitions cont'd

Mason, Iowa (CH 259A) (MM Docket No. 99-91);  
Rudd, Iowa (CH 268A) (MM Docket No. 99-91);  
Pleasantville, Iowa (CH 242A) (MM Docket No. 99-91);  
Hinton, Iowa (CH 267A) (MM Docket No. 99-91);  
Dunkerton, Iowa (CH 280A) (MM Docket No. 99-91);  
Newell, South Dakota (CH 288C2) (MM Docket No. 99-91);  
Manville, Wyoming (CH 255C1) (MM Docket No. 99-91);  
Bayfield, Colorado (CH 237A) (MM Docket No. 99-103);  
Beulah, Colorado (CH 230C3) (MM Docket No. 99-104);  
Center Colorado (CH 287A) (MM Docket No. 99-105);  
La Jara, Colorado (CH 221A) (MM Docket No. 99-106);  
La Veta, Colorado (CH 277A) (MM Docket No. 99-107);  
Sawpit, Colorado (CH 256C3) (MM Docket No. 99-108);  
Walsenburg, Colorado (CH 267C3) (MM Docket No. 99-109);  
Westcliffe, Colorado (CH 257A) (MM Docket No. 99-110);  
Taft, Colorado (CH 293A) (MM Docket No. 99-111);  
Thermal, California (CH 278A) (MM Docket No. 99-112);  
Logandale, Nevada (CH 291C1) (MM Docket No. 99-118);  
Shiprock, New Mexico (CH 293C1) (MM Docket No. 99-119);  
Magdalena, New Mexico (CH 240C2) (MM Docket No. 99-120);  
Eagle Nest, New Mexico (CH 284C2) (MM Docket No. 99-121);  
Minatare, Nebraska (CH 295A) (MM Docket No. 99-122);  
Castle Dale, Utah (CH 237C3) (MM Docket No. 99-124);  
Huntington, Utah (CH 296C2) (MM Docket No. 99-125);  
Hurricane, Utah (CH 275C3) (MM Docket No. 99-126);  
Kanarraville, Utah (CH 268C2) (MM Docket No. 99-127);  
Mona, Utah (CH 225A) (MM Docket No. 99-128);  
Monticello, Utah (CH 291C1) (MM Docket No. 99-129);  
Wellington, Utah (CH 221C3) (MM Docket No. 99-130);  
Evergreen, Montana (CH 230A) (MM Docket No. 99-801).

Mountain Tower Broadcasting petitioned for the following new channels:

Chugwater, Wyoming (CH 229A) (MM Docket No. 96-243);  
Franklin Idaho (CH 249A) (MM Docket No. 97-13);  
Mills, Wyoming (CH 288A) (MM Docket No. 97-44);  
Superior, Montana (CH 298A) (MM Docket No. 97-61);

Mountain Tower Broadcasting petitions cont'd.

Moorcroft, Wyoming (Chanel 228A) (MM Docket No. 97-127);  
Ipswich, South Dakota (CH 300A) (MM Docket No. 97-190);  
Ashton, Idaho (CH 224A) (MM Docket No. 97-200);  
Kaycee, Wyoming (CH 222C1) (MM Docket No. 98-87);  
Wright, Wyoming (CH 268C) (MM Docket No. 98-88);  
Wamsutter, Wyoming (CH 266C) (MM Docket No. 98-86);  
Hanna, Wyoming (CH 277C) (MM Docket No. 98-89);  
Saratoga, Wyoming (CH 259C) (MM Docket No. 98-130);  
Douglas, Wyoming (CH 223C1) (MM Docket No. 98-151).

Magic City Media, Inc. petitioned for a new channel in Grover, Colorado (CH 229C2) (RM 9017).

**Exhibit B**  
**Saranac Lake Radio, L.L.C.**  
**Petition for Investigation and**  
**Adoption of Policy Statement**

**Petitions for Allotments Filed by Dana Puopolo**

Mr. Puopolo filed petitions to allot the following new channels:

Ingalls, Kansas (Channel 290A and 242C1) (MM Docket Nos. 99-3 and 94-111);  
Rozel, Kansas (Channel 273A) (MM Docket No. 99-3);  
St. Johnsbury, Vermont (Channel 262A) (MM Docket No. 99-6);  
Delhi, New York (Channel 248A) (MM Docket No. 99-7);  
Mt. Washington, New Hampshire (Channel 247A) (MM Docket No. 99-8);  
Lancaster, New Hampshire (Channel 229A) (MM Docket No. 99-9);  
Walton, New York (Channel 296A) (MM Docket No. 99-10);  
Burdette, Kansas (Channel 228A) (MM Docket No. 99-33);  
Council Grove, Kansas (Channel 281C3) (MM Docket No. 99-47); and  
Saranac Lake, New York (Channel 276A) (MM Docket No. 99-83).



# **CERTIFICATE OF SERVICE**

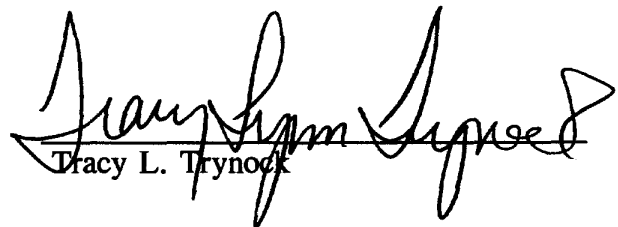
I, Tracy L. Trynock, do hereby certify that I have, this 10th day of May, 1999, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Petition for Investigation and Adoption of Policy Statement" to the following:

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